The Supreme Court and Freedom of the Mails, P. 3

A Subversive Remark About The Marines No Teach-In Should Be Without

"The people of the world prefer reasoned argument to ready attack. And that is why we must follow the Prophet Isaiah many times before we send for the Marines, and say, 'Come now and let us reason together.' And this is our objective—the quest for peace and not the quarrels of war. In every trouble spot in the world this hope for reasoned agreement instead of retaliation can bear fruit."

—President Lyndon B. Johnson, March 23, 1964.

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The Dominican Republic as Lyndon Johnson's Hungary

The parallels between U.S. action in the Dominican Republic and the Soviet Union's in Hungary are obvious. Our Monroe Doctrine is like the Russian insistence on "friendly neighbors." The existence of fringe elements—Fascist in Hungary, Communist in the Dominican Republic—were used to smear both revolutions as extremist, though both were motivated by a desire for democratization. Nagy's appeal to the UN, like that of the Bosch forces, was opposed on the excuse that the matter should be handled by regional organizations: in one case the Warsaw Pact, in the other the OAS, each securely dominated by its respective masters, Russian or American. Both great Powers explained their conduct in the same way: the USSR by fear of a Western base, the U.S. by fear of a new Communist base, on its doorstep. In both cases the presumed strategic need of the big power was the excuse for riding roughshod over the wishes of the smaller neighbor, and in neither were these exaggerated fears submitted to impartial scrutiny by some international authority.

FBI Clearance for The Hemisphere

A less noticed parallel, now unfolding, is the naive and self-righteous arrogance with which Washington and Moscow respectively took it on themselves to decide just what kind of a government to allow their small neighbor. Both great Powers claimed to be avoiding "extremist" solutions. Khrushchev and Mikoyan, themselves engaged in de-Stalinizing the Soviet Union, did not want to put the Stalinists back into power in Hungary. On the other hand, they did not want the pendulum of freedom to swing so far that in their opinion it might become "bourgeois" i.e. a regime of basic rights for the individual instead of a milder variety of bureaucratic communism. They hauled poor Kadar out of prison and once they had used him to crush the revolution, they did slowly allow him to ease up the terror and permit a little intellectual freedom on the edges. Similarly Johnson is busy running the Dominican Republic by remote but unmistakable control: a new government is being hand-picked from Washington. Its members are even subjected to FBI clearance. We want, the All-Highest in the White House says, neither a dictatorship of the right nor of the left. It cannot be too authoritarian because that would embarrass us in our democratic pretensions. And it cannot be too democratic, because that might hurt U.S. investors.

This is the bitterest part of the spectacle for Latin Americans. Here we are beginning to play out again some of the most painful scenes of the Cuban and Mexican revolutions. When the Cubans, with belated and equivocal help from us, overthrew the Spanish yoke, the price they had to pay for getting rid of an American occupation was to allow foreign ownership of land: this intensified concentration of ownership in huge sugar holdings. It fastened on Cuba that monoculture which impoverished its countryside and which José Martí and the revolutionaries were pledged to eradicate. In Mexico we waged a similar struggle against Article 27 of the revolutionary Constitution of 1917 which sought to recover mineral rights and peasant lands the dictator Diaz had given away to foreign, mostly American, interests. We withheld the recognition Mexico needed so badly for international credit reasons. Not until 1923, after private assurances that Article 27 would be interpreted laxly, did we recognize the Mexican Republic. Now we are doing something similar in the Dominican Republic. Though we claim to be waging a world-wide struggle for self-determination and to allow diversity in the world (such is the language of our propaganda), the Dominican Constitution is being revised over long-distance telephone to suit Johnson's ideas.

(Continued on Page Four)

LBJ, The Press and Santo Domingo

The U.S. press never showed itself more independent than in its coverage of the Dominican affair. Tad Sculz and Homer Bigart of the New York Times, Barnard L. Collier of the New York Herald-Tribune, Richard Dudman of the St. Louis Post-Dispatch, Dan Kurzman of the Washington Post and James Nelson Goodsell of the Christian Science Monitor were among the reporters who did their profession proud. Sculz deserves a Pulitzer Prize and the New York Times editorial page, rejuvenated these past few years, was magnificent.

The diligence of the press was matched by the fury of the White House. President Johnson at one point called in the White House reporters for the three big weeklies, Time, Newsweek and U.S. News & World Report. Johnson treated them to an extensive and angry monologue on the waywardness of the press in undercutting the official line that the Dominican Republic had been on the verge of going Communist. "The whole problem could have been solved," Johnson is reported to have told them, "if we could have locked Tad Sculz up for three hours." In a book review in the May 29 issue of The New Republic, I wrote that Johnson acts as if the Constitution made him not only commander-in-chief of the nation's armed forces but editor-in-chief of its newspapers. This is a sample of his editing.

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Warburg Gets No Support on Criticism of Our Policies in Vietnam and Santo Domingo

How Senate Liberals "Plan for Peace" While Acquiescing in Johnson's Wars

A wide range of liberal and peace organizations—among them the ADA, SANE, Women Strike for Peace, the World Federalists and the Church of the Brethren—testified before the Senate Foreign Relations Committee (May 11-12) in support of the "Planning for Peace" resolution introduced by Clark (*D. Pa.*) and 24 other Senators, one of them, Javits, a Republican. It was also introduced in the House by nine Congressmen*, all Democrats. Its merit is that it would ask the President to formulate "specific and detailed" proposals for disarmament and for an international peacekeeping force, whether by a revision of the UN Charter or a new treaty. Its sponsors hope thereby to get arms talks moving again.

"Peace-Mongering" Madison Ave. Style

Unfortunately the hearings were chiefly noteworthy for disclosing (1) the extent to which the Pentagon controls the U.S. Arms Control and Disarmament Agency and (2) the way in which Johnson's warmaking has morally paralyzed even those Senators who support peace in the abstract. Their commitment to peace, as Javits revealed, does not keep them from supporting any or all of Mr. Johnson's wars. "I support them," Javits said, "as I know the Senator from Pennsylvania does, and we must engage in them in Santo Domingo, in Vietnam and perhaps tomorrow in other places."

Javits admitted that these wars gave the "demagogue" (as he termed him) " a tremendous credence when he speaks of American war-mongering." Javits thought that "peace-mongering" was "a mighty good business when you are being accused so widely of war-mongering." Though this treated the "planning for peace" resolution as a Madison Avenue device, covering the reality of global military interventionism, it evoked no objection from Senator Clark.

It took James P. Warburg, the political historian, to point out the contradiction between a resolution that calls for international peace-making machinery and a U.S. that bombs North Vietnam and invades the Dominican Republic while ignoring the UN in one case and protesting its "interference" in the other. Clark was silent when Warburg suggested amending the resolution to protest both actions.

The arms control agency in its testimony was defeatist; it restated past proposals and thought that "given the lack of consensus . . . little use would probably be served in being more specific now." Aiken attacked the agency as "wishy-washy" and said it was afraid of the President while Clark disclosed that the Agency rarely brings any disarmament proposal to the President without the concurrence of the Joint Chiefs of Staff. Church added that he did not know whether the agency was more afraid of the President or of Congress "when it comes to the matter of forthright programs for peace." Clark also criticized the feeble generalities offered by Harlan Cleveland for the State Department. Clark said "this sort of timid approach will not get us anywhere in time to save the world from destruction."

* **Multer, Farbstein, Rosenthal, Halpern and Ryan, New York, and Edwards (Cal.), Kastenmeier (Wis.), Fraser (Minn.) and Mrs. Green (Ore.).**

The Little Pentagon Inside ACDA

Mr. ROONEY (D., N.Y.): What connection does the military branch of our Government have with the functioning of the U.S. Arms Control and Disarmament Agency?

Mr. FOSTER (Director, ACDA): We have a very close relationship at the staff level to make sure that they are active and informed. The Defense Department has assigned to us 13 active officers headed by a lieutenant general in the Air Force. Assisting him is a major general in the Army and some 11 other colonels. At the policy level there is a continuing activity through the Committee on Principals. It is chaired by the Secretary of State. The Secretary of Defense sits on it, the Chairman of the Atomic Energy Commission, the head of the CIA, the Chairman of the Joint Chiefs of Staff and the Director of the ACDA. All the recommendations that the President acts on have been discussed at that level before he takes a position. The Weapons Evaluation and Control Bureau is headed by the lieutenant general, who is an Assistant Director. He is in direct and daily contact with the Joint Chiefs of Staff and their assistants at the staff level in discussions on all items which he engages in. That Bureau is responsible for, I believe, the greatest dollar value of research contracts which we place.

—House Appropriation Hearings for 1966, p. 1062-63.

Ben Cohen (Plainly) and U Thant (Softly) Deplore U.S. Ignoring of the UN Charter

"During the last decade or so, states have with disturbing frequency resorted to force or threat of force without feeling even a sense of obligation to report their action in advance or even subsequently to the United Nations. One need only mention Russia in the case of Hungary, India in the case of Goa, and the U.S. in significant aspects of the Cuban and South Vietnam situations. . . .

In recent years there has also been an attempt to justify the evisceration of the Charter on the ground that it does not forbid the use of force by one state at the request of another to quell a rebellion. Such a construction of the Charter does violence to the letter and spirit . . . whether the civil war be called a war of liberation or a war in the defense of freedom. . . . If different states . . . participate in the fighting with opposing factions, they create . . . a threat to international peace. Events in connection with the Spanish Civil War made this obvious."

—Benjamin V. Cohen, former Counsellor of the State Dept., testifying on the Planning for Peace resolution.

"For those of us—and I believe we are a majority—who believe in the aims and ideals of the UN Charter . . . the present time is a trying one. We see ominous events and precarious situations on every side. . . . We are in the position of the bomb disposal team which knows the danger, hears the ticking, and watches with mounting anxiety as others shake and jostle the dangerous explosive. . . . The first five months of this year have witnessed developments which have tended to undermine the position of the UN as the primary agency for maintaining international peace . . . the role of the UN has been ignored or evaded."

—UN Secretary General U Thant, May 21, in a speech for delivery at Queens College, Ontario.

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The Deeper Issues Behind the Supreme Court's Decision Against Screening the Mails

A Prize Example of How Anti-Communist Mania Adopts Communist Practices

A basic tenet of totalitarian society, whether Communist or Fascist, is that the government decides what it is considered safe to let the people read. The foreign mail control law struck down by the Supreme Court last week as unconstitutional was based on the same philosophy. It sought to "protect" Americans from foreign Communistic publications in the mails, and to spot those suspect souls who seemed to like such subversive literature. It was thus a combination of the nursemaid theory of government and a typical police state practice. It should be studied as a prize example of how the anti-Communist mania so prevalent in our country often leads us to adopt the very habits we are supposed to be fighting. If the Postoffice has a right to screen foreign mail for dangerous ideas, why not domestic? And if domestic, why may it not bar the mails to publications it considers subversive? This is the logical progression the Supreme Court tried to block at its inception when it declared such screening of the mails a violation of the First Amendment.

Mail Censorship in World War I

In some respects, it is a pleasure to report, we have made progress. The law, as expounded by a majority of the Supreme Court during World War I, allowed the Postmaster General to bar the August 1917 edition of The Masses, a radical anti-war magazine, from the mails and to suspend altogether the second class mail privileges of the *Milwaukee Leader,* edited by the once famous Socialist, Victor Berger. The Postmaster General declared both these publications seditious. Mr. Justice Holmes (with Brandeis) protested this, dissenting. "The United States," the most Olympian of all Supreme Court Justices wrote in the *Milwaukee Leader* case, "may give up the Post Office when it sees fit, but while it carries on, the use of the mails is almost as much a part of free speech as the right to use our tongues." This has become the law since the *Esquire* case in 1946 and is again quoted as such by Mr. Justice Douglas in the Court's decision in the Communist mail cases. Since a new period of repression may lie ahead, the Court has thus given us another weapon in the fight to maintain freedom. Corliss Lamont and the Emergency Civil Liberties committee have done a public service in bringing this suit, as did Leif Heilberg in the companion case from San Francisco.

It is also sobering to reflect that this is the first time in our history that a Federal statute has been struck down as in violation of the First Amendment. Since the postwar anti-Communist witch-hunt began with the cold war in 1947, several major repressive measures completely out of accord with American tradition have been challenged as in violation of the First. Three notable examples are the Smith Act, the first peacetime sedition law since the Administration of John Adams; the law requiring a non-Communist oath of labor leaders seeking to use the Wagner Act; and the Internal Security Act, which set up a Subversive Activities Control Board to oversee the registration and labelling of Leftist (but not rightist) movements and ideas. A majority has been mustered on the court to stem various repressive moves by the invocation of procedural safeguards. But a majority could not be found to strike down any of these major repressive laws under the First Amendment, though it says Congress shall make "*no* law . . . abridging" freedom of speech, press or assembly. This Amendment is the cornerstone of American freedom, the jewel in the crown of Jeffersonian tradition. But the Court has already whittled away its plain purport and language, and only now, this once, has it been invoked against a police state practice. This does not speak too hopefully for the future. How will the Court react if our little wars widen, and the usual fanaticism with them?

Baptists for Talk with China and Cuba

The American Baptist convention, most liberal of the nation's Baptist organizations, unanimously passed a resolution calling for the opening of negotiations with all countries "to which the U.S. does not now extend recognition." Dr. J. Lester Harnish of Portland, Oregon, president of the convention, said "This includes Communist China and Cuba." The convention was held last week-end in San Francisco where the Chronicle (May 23) quoted one member of the committee which framed the resolution, Mrs. George B. Martin of Summit, N.J., as saying "It's a very realistic thing in today's world. As Christians who believe in reconciliation, we believe God intends us to talk to Communists. You must establish communications if you are going to reconcile." The convention called for negotiations "with all concerned groups" to end the war in Vietnam, presumably including the Viet Cong. Its 3,000 delegates also condemned segregation as "a betrayal of Christ."

Roman Catholic Protest Against U.S. Policies in Vietnam and Latin America

From readers we have received two clippings which express Roman Catholic criticism of U.S. policies in Vietnam and Latin America. The first was an article from Vietnam in La Croix (April 7), the official organ of the Archbishopric of Paris. La Croix denies that public opinion in the South favors the "clobbering" (matraquage) of the North and says the great majority there want only peace.

"There is, of course, the bourgeois clan," the article admits, "which lives in the cities and makes a profitable business from the war, but that is only a minority and not a very interesting one. There are also and above all those Catholic refugees [from the North] for whom the war has become a sort of crusade and who therefore approve all means of carrying it on. Have they thought, blinded as they are by hatred of Communism . . . that such a war, which piles up the dead, the wounded, and destruction, material and moral, becomes finally the best ally of Communism?"

La Croix says the Vietnamese war must inevitably appear as a racist war to the masses of Africa and Asia.

The other item, from the April, 1965, issue of the International Labor Review, quotes an address by the Roman Catholic Archbishop of Rio de Janeiro, Dom Helder Camara. It was made two years ago but is given new poignancy by events in the Dominican Republic. The Archbishop said the Alliance for Progress was dead. He blamed "the rich in Latin America who talk too much about reform and label as Communists all those who try to enforce it."

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(*Continued from Page One*)

LBJ As One-Man Constitutional Convention

Dan Kurzman of the *Washington Post* has the distinction of being the first American reporter to call attention to this development. The 1963 Constitution was the first ever to be framed and adopted by the Dominican people through wholly democratic processes. Mr. Justice Douglas was one of those who acted as consultant in its framing. It was to be a model for the hemisphere in establishing a secular State, with provisions for agrarian reform. In a dispatch published by his paper May 25, Kurzman disclosed that in the negotiations for a new government, pressure is being applied to revise the Constitution. One target is Article 19 which gives workers a right to profit-sharing in both industrial and agricultural enterprises. Another is Article 23 which prohibits large landholdings. A third is Article 25 which restricts the right of foreigners to acquire Dominican land. Another is Article 28, which requires landholders to sell that portion of their lands above the maximum fixed by law; the excess holdings would be resold to the landless peasantry. This is the agrarian reform we *say* we want in the hemisphere. It turns out that, as in Guatemala and in Cuba and in Mexico, we oppose it when it is enacted. An amendment is being proposed, Kurzman reports, to exempt owners of sugar plantations and cattle ranges. Central Romana, a subsidiary of the American-owned South Porto Rico Sugar Company, holds thousands of acres of the country's best sugar and cattle lands (see Selden Rodman's sympathetic history of the Dominican Republic, *Quisqueya*). Such are the conditions for American approval. And such is the reality behind our claim to be saving the hemisphere from Communism.

In the past half century at home, one basic social reform after another has been assailed as communistic by the masters of our big business enterprises; the Square Deal of Teddy Roosevelt, the New Freedom of Woodrow Wilson, the New Deal of Franklin D. Roosevelt all were opposed as undermining property and free enterprise. At home we have defeated these reactionary forces, though far from completely. But abroad they continue unchallenged to mold our policy. Our Latin American neighbors have been forced by military power, our own or local forces we armed, to bow to the will of Standard Oil and United Fruit and Anaconda Copper and Hanna Mining and any number of great North American enterprises. What they have been unable to block at home by invoking the Red Menace, they succeed in doing among our Latin neighbors. This is why the new Christian Democratic regime in Chile, fresh from a victory over a domestic Popular Front, is yet so deeply hostile to what we are doing in the Dominican Republic. This is why the OAS force we are trying to muster as our mercenaries is made up entirely (except for 20 policemen from Costa Rica) of forces supplied by the military dictatorships we helped install in Brazil, Honduras and Nicaragua. The Johnson Doctrine aims by force to make Latin America safe for U.S. investment at whatever cost to the democratic wishes of its people or our own often asserted desire for social reform. This is why it will breed a whole new generation of revolutionaries in the hemisphere, driving the youth to despair of peaceful change and contempt for the Alliance for Progress. This is how we create what we fear.

Two Items on Atrocities

"SAIGON—The U.S. Information Service here is attempting to push undocumented guerrilla atrocity reports on reporters. The attempt to enlist correspondents in the psychological warfare offensive is being made, at least partially, at the behest of Sen. Thomas Dodd (D. Conn.). . . . In the daily printed summary of the war, the American high command now is listing 'examples of recently reported outrages.' When correspondents seek further details from American sources they are told the reports are unverified."

—The Washington Post, May 24.

"TOKYO—A Japanese television network has canceled a series of documentary films about the war in Vietnam because of a deluge of protests from viewers that certain sequences showed brutality beyond the limits of public decency. . . . The films . . . under the title 'Record of a South Vietnamese Marine Battalion' show . . . a soldier smashing his rifle butt into a figure sprawled in the pathway, apparently an executed suspect. Other soldiers look on, and one moves forward to cut a trophy from the body with a knife. Lastly, a soldier appears carrying in one hand what is clearly a freshly severed head."

—Same paper, same day.

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